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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/736,661 12/14/00 RODRIGUEZ

A A-6280

EXAMINER

WM01/0824

SCIENTIFIC-ATLANTA, INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
ONE TECHNOLOGY PARKWAY, SOUTH  
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AN,S

ART UNIT

PAPER NUMBER

2613

DATE MAILED:

08/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/736,661

Applicant(s)  
Rodriguez et al.

Examiner  
Shawn An

Art Unit  
2613



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 20) ☐ Other:

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## DETAILED ACTION

### *Specification*

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1, 3-11, 15-16, 18, 21, 25-26, and 28-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Kalra et al (5,953,506).

Kalra et al disclose a method/a video decoding system for adapting to resource constraints, comprising the steps of: determination logic configured to determine whether a resource constrained mode is to be initiated (col. 17, lines 25-55); and initiation logic configured to initiate the resource constrained mode responsive to the determination logic, including foregoing decoding of portions of received video input (Fig. 9C; col. 17, lines 56-67; col. 18, lines 1-24) as specified in claims 1, 15-16, 21, and 25-26.

Regarding claims 3, 18, and 28, Kalra et al disclose inadequate bandwidth availability (col. 17, lines 10-24) as specified.

Regarding claims 4 and 5, Kalra et al disclose an user interaction (col. 2, lines 18-23) as specified.

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Regarding claim 6, Kalra et al disclose reducing spatial resolution of video output (Fig 28; col. 3, lines 60-62) as specified.

Regarding claim 7, Kalra et al disclose user interaction causing graphics to be generated and output along with the video output (Fig. 2B) as specified.

Regarding claim 8, Kalra et al disclose receiving from a video transmitter data describing the received video input (20) as specified.

Regarding claim 9, Kalra et al disclose MPEG (Fig. 5) as specified.

Regarding claims 10 and 11, Kalra et al disclose decoding B and P frames (Fig. 4) as specified.

Kalra et al disclose a decoding method comprising the steps of: determining that a video decoding rate should be reduced while maintaining synchronization with an unmodified audio decoding rate and reducing the video decoding rate accordingly (col. 17, lines 25-55) as specified in claims 29-30.

Kalra et al disclose a decoding method comprising the steps of: determining whether a picture repetition mode should be initiated and initiating a mode of repeating picture (col. 12, lines 1-11) as specified in claim 31.

Regarding claim 32, Kalra et al disclose resource constrained mode being determined (col. 17, lines 10-55) as specified.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 2, 12-14, 17, 19-20, 22-24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalra et al (5,953,506).

Regarding claims 2, 17, and 27, even though Kalra et al do not particularly determine the resource constraint being initiated responsive to inadequate memory availability, it is well known in the art to compensate for a limited memory resource. Furthermore, Kalra et al determine the resource constraint being initiated responsive to inadequate bandwidth availability. Therefore, it is considered quite obvious for determining the resource constraint being initiated responsive to inadequate memory availability.

Regarding claim 12, Kalra et al disclose foregoing decoding of a plurality of frames (Fig. 9C; col. 17, lines 56-67; col. 18, lines 1-24), and repeating presentations of decoded frames (col. 12, lines 1-11). Therefore, it is considered quite obvious to repeat presentations of decoded frames in place of the plurality of frames that are not decoded.

Regarding claims 13-14, Kalra et al disclose decoding I and P frames (Fig. 4) as specified.

Regarding claims 19-20, utilizing look-up-table (col. 11, lines 1-17) and a record keeping of a history of resource need are well known the art. Therefore, it is considered quite obvious for determining the amount of additional resource according to a look-up-table or a history of resource need.

Regarding claim 22, it is considered nothing more than a simple design choice to maintain existing resource priorities controlling devices using the resources.

Regarding claim 23, it is considered nothing more than a simple design preference to utilize a digital home terminal including an interrupt driven CPU that is notified when a resource becomes constrained.

Regarding claim 24, it is considered nothing more than a simple design choice to present an audio to a user at a regular rate and maintaining audio and video synchronization during the resource constrained mode.

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*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A) Sadeh (5,836,003), Method and means for image and voice compression.

7. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number is (703) 305-0099.

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600



SSA

August 16, 2001